

Board of Trustees, on behalf of BRICKLAYERS AND TROWEL TRADES INTERNATIONAL PENSION FUND; William Solivais, Chairman of the Board of Trustees, on behalf of BRICKLAYERS UNION LOCAL NO. 6 OF INDIANA HEALTH & WELFARE FUND; John M. Argenta, Secretary of the Board of Trustees, on behalf of INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 4 OF IN & KY APPRENTICE FUND; James Boland, Board of Trustees, on behalf of INTERNATIONAL MASONRY INSTITUTE; and BRICKLAYERS LOCAL 4 OF IN & KY, by their attorneys, PAUL T. BERKOWITZ & ASSOCIATES, LTD., complain of Defendant RAM CONSTRUCTION SERVICES, stating as follows:

COUNT I

1. This action arises under and jurisdiction resides with this Court pursuant to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001, et seq., ("ERISA") and more particularly under Sections 502 and 515 of ERISA, 29 U.S.C. §1132 and §1145, and is brought by Plaintiffs Fred A. Colvin, Chairman of the Board of Trustees, on behalf of BRICKLAYERS UNION LOCAL NO. 6 OF INDIANA PENSION FUND; James Boland, Board of Trustees, on behalf of BRICKLAYERS AND TROWEL TRADES INTERNATIONAL PENSION FUND ("IPF"); William Solivais, Chairman of the Board of Trustees, on behalf of BRICKLAYERS UNION LOCAL NO. 6 OF INDIANA HEALTH & WELFARE FUND; John M. Argenta, Secretary of the Board of Trustees, on behalf of INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 4 OF IN & KY APPRENTICE FUND; James Boland, Board of Trustees, on behalf of INTERNATIONAL MASONRY INSTITUTE ("IMI"); (collectively "Trust Funds") in order to judicially enforce the obligations owed, and breached, by Defendant RAM CONSTRUCTION

SERVICES, (“Ram Construction”) to Plaintiffs Trust Funds. More specifically, Plaintiffs Trust Funds seek an order compelling Defendant Ram Construction to pay the delinquent contributions now known due for the period of March 1, 2009 through October 31, 2011 to Plaintiffs Trust Funds. Plaintiffs Trust Funds also seek an order directing Ram Construction to pay any liquidated damages and interest on the delinquent contributions, plus attorneys' fees and costs incurred by Plaintiffs as a result of being forced to bring this action.

2. Plaintiffs Trust Funds are employee benefit funds within the meaning of and subject to ERISA. The Plaintiffs Trust Funds provide benefits for employees working within this judicial district and are, themselves, administered in this judicial district, with the exception of the IPF and IMI which are administered in the District of Columbia, but provide benefits for employees living in this judicial district.

3. At all times materials herein, Defendant Ram Construction has employed employees within this judicial district.

4. At all times material herein, Defendant Ram Construction has been a signatory to a collective bargaining agreement with the Bricklayers Union Local No. 4 of IN & KY ("Union") and, as such, is bound by the Plaintiffs Trust Funds' Agreements and Declarations of Trust ("Trust Agreements").

5. Defendant Ram Construction breached the Agreements identified in Paragraph 4 of this Count and is in violation of Sections 502 and 515 of ERISA (and 29 U.S.C. § 185) by failing to pay the delinquent contributions and the contractually required interest and liquidated damages owed for the period of March 1, 2009 through October 31, 2011 to the Plaintiffs Trust Funds.

6. Despite Plaintiffs Trust Funds' requests, Defendant Ram Construction has failed to pay the contractually and statutorily required monies.

7. Plaintiffs Trust Funds have satisfied all statutory prerequisites as set forth in 29 U.S.C. §1132 (h).

WHEREFORE, Plaintiffs Trust Funds pray this Court order that:

1. Defendant Ram Construction pay the delinquent contributions, interest and liquidated damages now known due to Plaintiffs Trust Funds for the period of March 1, 2009 through October 31, 2011;
2. Defendant Ram Construction pay statutory post-judgment interest on all principal contributions found due by this Order;
3. Defendant Ram Construction pay Plaintiffs Trust Funds' attorneys' fees and costs incurred herein; and,
4. Such other and further relief that this Court may find just and proper be entered against Defendant Ram Construction.

COUNT II

1. Plaintiff **BRICKLAYERS LOCAL 4 OF IN & KY** ("Union") is a labor organization whose duly authorized officers or agents are engaged in representing or acting for employee members within this judicial district.
2. At all times material herein, Defendant **RAM CONSTRUCTION SERVICES** ("Ram Construction") has been engaged in an industry affecting interstate commerce and employs individuals working within this judicial district.
3. This Court has jurisdiction of this action pursuant to Section 301 of the Labor-Management Relations Act, 1947, as amended, 29 U.S.C. §185 ("LMRA").
4. At all times material herein, Defendant Ram Construction has been signatory to a

collective bargaining agreement with the Union. Included among the contractual obligations between the parties is the requirement that Ram Construction make payroll deductions to the Union.

5. Defendant Ram Construction is in breach of its contractual obligations to the Union by failing to pay the delinquent deductions, plus interest and liquidated damages owed thereon for the period of March 1, 2009 through October 31, 2011.

6. Despite the Union's request, Defendant Ram Construction has failed to pay the monies identified in this Count.

WHEREFORE, Plaintiff Union prays this Court order that:

1. Defendant Ram Construction pay the delinquent deductions, interest and liquidated damages owed to the Union for the above stated period;

2. Defendant Ram Construction pay statutory post-judgment interest on all principal deductions found due by this Order;

3. Defendant Ram Construction pay Plaintiff Union's attorneys' fees and costs incurred herein; and,

4. Such other and further relief that this Court may find just and proper be entered against Defendant Ram Construction.

Respectfully submitted,

PAUL T. BERKOWITZ & ASSOCIATES, LTD.

By /s/ Paul T. Berkowitz
PLAINTIFFS' ATTORNEYS

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